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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/807,738

03/24/2004

Mark E. Thompson

10020/31102

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7590

06/28/2007

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EXAMINER

YAMNITZKY, MARIE ROSE

ART UNIT

PAPER NUMBER

1774

MAIL DATE

DELIVERY MODE

06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|--|--------------------------------|---------------------------------|--|
| <p align="center">Advisory Action Before the Filing of an Appeal Brief</p> | Application No. 10/807,738 | Applicant(s) THOMPSON ET AL. | |
| | Examiner Marie R. Yamnitzky | Art Unit 1774 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☒ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: None.
 Claim(s) objected to: 7-14 and 43-50.
 Claim(s) rejected: 1-3, 5, 6, 15, 16, 20, 21, 28, 29, 31-33, 35-39, 41, 42, 51, 52, 56, 57, 64, 65, 67-69 and 71-73.
 Claim(s) withdrawn from consideration: 17-19, 23-27, 53-55, 59-63 and 79-81.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____

Continuation of 11. does NOT place the application in condition for allowance because:

The proposed amendment requires further consideration with respect to new matter. Although the referenced pages in the provisional application define R as independently selected from the group consisting of H, alkyl, alkylaryl and aryl, this definition of R is given with respect to a ligand that is outside the scope of the substituted phenylpyrazole ligand required by present claims 1 and 37. The examiner notes that the referenced pages of the provisional application are from a copy of non-provisional Application No. 10/289,915, and describe organometallic compounds having a nitrogen-containing A ring bonded to a phenyl ring via a carbon atom of the A ring. The only specific possibilities named for the A ring are pyridine, pyrimidine, quinoline and isoquinoline. Although pyrazole is within the scope of the broader definition for the A ring (i.e. an aromatic heterocyclic ring with at least one nitrogen atom that is coordinated to M), compounds in which a pyrazole ring is bonded to a phenyl ring via a nitrogen atom of the A ring are not within the scope of the compounds defined on the referenced pages. Other pages of the provisional application do disclose compounds having a substituted phenylpyrazole ligand wherein the pyrazole ring is bonded to the phenyl ring via a nitrogen atom of the pyrazole ring, but do not provide support for the proposed definition of R with respect to such compounds. See the one page summary of "Heteroleptic Cyclometalates for OLED Applications" and the 35 sheets of slides from a slide presentation as filed in the provisional application. Even if applicant were to convince the examiner that the provisional application provides support for the proposed amendment to the definition of R at various points in the present specification and claims, entry of the amendment would require further consideration with respect to claims that are presently withdrawn but that will be subject to consideration upon allowance of a generic or linking claim.



MARIE YAMNITZKY
PRIMARY EXAMINER

1774